

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
ABERDEEN DIVISION**

RICHARD MOORE

PLAINTIFF

VS.

CIVIL ACTION NO.: 1:13-cv-94-MPM-JMV

CHRISTOPHER EPPS, ET AL.

DEFENDANTS

ORDER

This matter is before the court on renewed motion of Defendants [46] to take the deposition of Plaintiff's estranged wife, a resident of Okolona, Mississippi. Plaintiff originally asserted his wife was a material witness and, with the exception of himself, the sole witness he would offer at trial. More recently, Plaintiff has sought to amend his witness list to arguably exclude this person as a witness and, instead, designate four other individuals. In light of the alleged materiality of his estranged wife as a witness and the lack of clarity regarding whether Plaintiff intends to call her in this matter, the court finds the following: Defendants will be permitted to take a deposition upon subpoena of this witness on or before the expiration of twenty-one (21) days from the date hereof, unless the Plaintiff files a notice to delete his estranged wife from his trial witness list within ten (10) days hereof. The deposition questioning, if any, by defense counsel shall not exceed two (2) hours.

SO ORDERED this 5th day of August, 2014.

/s/Jane M. Virden

UNITED STATES MAGISTRATE JUDGE